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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,417	12/24/2001	Denis J. Stemmler	F-428	2989

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EXAMINER

MILLER, WILLIAM L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,417

Applicant(s)

STEMMLE, DENIS J.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11, 14, 15 and 17-34 is/are pending in the application.
- 4a) Of the above claim(s) 7-11, 14, 15, 17-25 and 28-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26, 27 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

PD

DETAILED ACTION

Election/Restrictions

1. Claims 7-11, 14, 15, 17-25, and 28-33 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07-17-2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26, 27, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Webb (US#2004/0020978).

4. Regarding claim 26, Webb discloses a mailbox 10 for decontaminating mail comprising: a door 12 for allowing access to the interior of the mailbox; a decontamination system 20 operatively connected to a controller 30 for decontaminating mail; and at least one divider 28 for separating mail; and a keyed start switch 34 used to send a decontamination start signal to the decontamination system. The start switch 34 is being viewed as a “keyed” start switch as it requires manual manipulation by the user to operate. The claim does not recite nor require a physical key.

5. Regarding claim 27, the controller includes a communication device, namely lamps 40, 42, and 44, for providing status information to a user.

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6. Regarding claim 34, Webb discloses a decontaminating device including a decontaminating chamber 10 comprising: a door 12 for allowing access to the interior of the chamber; a decontamination system 20 operatively connected to a controller 30 for decontaminating mail; at least one divider 28 for separating mail; and a keyed start switch 34 used to send a decontamination start signal to the decontamination system. The start switch 34 is being viewed as a “keyed” start switch it requires manual manipulation by the user to operate. The claim does not recite nor require a physical key.

Response to Arguments

7. Applicant’s arguments filed 01-19-2005 via the appeal brief with respect to the rejection of claims 26, 27, and 34 under 35 U.S.C. 103(a) as being unpatentable over Webb (US#2004/0020978) in view of Whitehead (US#5920075) have been fully considered and are persuasive in-part as the keyed start switch 60 of Whitehead does not send a start signal. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been made as discussed in detail above.

8. Upon further consideration of claims 26 and 34, a physical key is not being claimed, only a “keyed start switch.” The start switch 34 disclosed by Webb is being viewed as a “keyed” start switch as it a start switch which requires manual manipulation (being viewed as “keying”) by the user to activate, just as a keypad or keyboard requires manual manipulation, or “keying”, to operate.

9. Regarding claim 27, the applicant argues Webb fails to disclose the controller including a communications device for providing status information to a user. The examiner disagrees as elements 40, 42, and 44 are operatively connected to the controller 30 and each communicate, or

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signal, the status of the system. Further, element 42 is specifically disclosed by Webb as providing "status of the system" (paragraph [0011]).

10. The applicant's request for a copy of the provisional application related to the Webb reference is denied as the examiner is not required to provide such a copy.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It should be noted that a push button switch and a switch requiring a physical key are art recognized equivalents as evidenced by Gibson (US#6878195) (see claims 10 and 11).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068.

The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677

